

# **EXHIBIT 1**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

MARK I. SOKOLOW, et al.,

Plaintiffs,

v.

THE PALESTINE LIBERATION  
ORGANIZATION, et al.,

Defendants.

)  
)  
)  
)  
) Civil Action No.  
) 04cv397 (GBD) (RLE)

DEPOSITION OF DOV WEINSTEIN

JERUSALEM, ISRAEL

OCTOBER 16, 2013

REPORTED BY: BRENDA MATZOV, CA CSR NO. 9243

1 that's responsive to our discovery request, I would ask  
2 that it be produced.

3 MR. HORTON: I'll take it under consideration.

4 MR. HILL: Okay.

5 Q. BY MR. HILL: The testimony that you gave in  
6 Tel Aviv, when you were deposed the first time, was that  
7 about someone who had been injured or killed?

8 A. Killed.

9 Q. Okay.

10 A. Two people that killed.

11 Q. Okay. And did you provide a written report  
12 or reports in that case in Washington?

13 A. Before. I make the same situation as now.

14 Q. Okay. And those written reports that you  
15 provided pertained to economic damages for someone who  
16 was killed?

17 A. Yes.

18 MR. HILL: Mr. Horton, to the extent that  
19 those documents are accessible to the witness or the  
20 plaintiffs, I'd ask that they be produced, as they  
21 appear to be responsive to our discovery requests.

22 MR. HORTON: And I'll take it under  
23 consideration.

24 Q. BY MR. HILL: Are you familiar with the  
25 concept of "reasonable certainty"?

1 leminhal." It's an organization that arrange you,  
2 today and then, to be a CPA.

3 Q. And how long did you attend that institution?

4 A. Four years.

5 Q. And did you graduate with a degree?

6 A. Yes.

7 Q. What degree did you obtain?

8 A. CPA.

9 Q. And did you have to take a separate exam to  
10 become a CPA?

11 A. Yes.

12 Q. And did you pass that exam?

13 A. Yes.

14 Q. Is the degree you obtained the equivalent of  
15 an American Bachelor's degree?

16 A. I don't understand what you say. I'm sorry.

17 Q. Okay. In America, when you go to a four-year  
18 college, you typically graduate with what's called a  
19 Bachelor's degree.

20 Is the degree you obtained in the school that  
21 you went to for the CPA a similar sort of program? Do  
22 you know?

23 A. No, I don't know the difference. I -- I don't  
24 know what -- what is it in the States.

25 Q. Okay.

1           A.     So I don't know.

2           Q.     Apart from the education you've described,  
3 have you had any other further education?

4           A.     Not formal. But all the time, I'm -- I'm  
5 study. Even now, I'm in Stanford in one of the units.

6           Q.     You say you're at Stanford now? What do you  
7 mean?

8           A.     Yes. But it's from far, not from -- by the  
9 Internet.

10          Q.     Okay. Are you currently enrolled in a degree  
11 program in Stanford?

12          A.     Not to get some formal. Just courses.

13          Q.     Okay. So you're taking sort of continuing  
14 education courses today? Is that what you're saying?

15          A.     It's not continuing. It's just to -- anything  
16 that interest me. Like, at this time, retirement,  
17 pension, and estate, just to know the difference. One  
18 of the courses is some kind of mathematics and things  
19 that I like.

20          Q.     Have you ever taken any courses about how to  
21 calculate economic loss for someone who has been killed?

22          A.     I don't think that this exist anywhere, not  
23 in Israel.

24          Q.     So is it fair to say, sir, that you have never  
25 taken a course about how to calculate economic loss for

1 someone who has been killed?

2 A. No.

3 Q. Do you agree with me?

4 A. Yes.

5 Q. Okay. Have you ever taken any courses of any  
6 kind about how to -- how to calculate economic loss for  
7 someone who has been injured?

8 A. For someone who has been?

9 Q. Injured.

10 A. Also no.

11 Q. Okay. Can you think of any courses you have  
12 ever taken that trained you to do the sort of work you  
13 did in this case?

14 A. No, except within the law cases here and the  
15 course that I'm making now, retirement and pension, so  
16 to see part of the information that I'm making.

17 Q. Okay. Now, when you say in the course of the  
18 law cases, are you referring to the work you did for the  
19 lawsuits in Washington that we discussed earlier?

20 A. Yes.

21 Q. Okay. And how did you figure out how to do  
22 the work you did in those cases in Washington?

23 A. In that time, it was a Professor Ovadia  
24 Manzur, one of the -- he's an American professor that  
25 work in my office as part of my team -- and Dr. Daniel

1 Ben Oliel, also that study in university. He's working  
2 as an employee in my -- in my firm, and we work on that  
3 together.

4 Q. What was the name of the professor that helped  
5 you --

6 A. Ovadia -- Ovadia Manzur.

7 Q. And do you know where Mr. Manzur obtained his  
8 education?

9 A. Part of it in Pennsylvania. I don't know  
10 before that.

11 Q. Okay. Is Mr. Manzur an American?

12 A. Both Israeli and American.

13 Q. Okay. Do you know if he had ever previously  
14 done work on economic damages for someone who's been  
15 killed?

16 A. We make it together at the first time.

17 Q. Okay. So it was also his first time trying  
18 to do this?

19 A. Yes.

20 Q. What resources did you and Mr. Manzur look  
21 at to try and figure out the methodology for calculating  
22 economic loss for someone who had been killed?

23 A. The basic was very simple. It looks about  
24 the profit, the salary, that someone who killed [sic]  
25 or someone who have a damage, the expectation of earning

1     sir, that most of your professional work has been in  
2     areas other than --

3             A.     Yes.    Yes.

4             MR. HORTON:   You got to let him finish his  
5     questions, Mr. Weinstein.   We're going to have a messy  
6     transcript.

7             Q.     BY MR. HILL:   Let me -- let me start it  
8     again.

9             You would agree with me, sir, that most of  
10    your professional work has been in areas other than  
11    calculating economic loss for people who have been  
12    injured or killed; correct?

13            A.     Correct.

14            Q.     Have you read the reports that Mr. Gaskins  
15    prepared in this case that critiqued your reports in  
16    the case?

17            A.     Yes.

18            Q.     Do you regard Mr. Gaskins as a specialist  
19    in the area of calculating economic loss for people  
20    that have been injured or killed?

21            A.     I don't know.

22            Q.     You don't know Mr. --

23            A.     I've --

24            Q.     -- Gaskins?

25            A.     Not -- not enough.   And I really not did --



1 Q. Okay. Do you believe you've ever received  
2 any information from STEP about how to calculate  
3 economic loss for people that are injured or killed?

4 A. I'm not sure. But I think that I read a few  
5 things that depend on insurance cases, not in terror  
6 attack, about it. Because I'm reading -- it's -- it's  
7 a lot of knowledge that they spend between the -- the  
8 friends of the organization.

9 Q. Okay.

10 A. And I'm read it all the time. [sic] So --

11 Q. Have you ever done any work in connection with  
12 an insurance case where someone was killed prematurely?

13 A. No. I'm not working usually for insurance  
14 cases, not -- not as a calculation.

15 Q. Are you familiar with a treatise called  
16 "Determining Economic Damages"?

17 A. No.

18 Q. Are you familiar with the author of that --

19 A. I'm familiar, yes. But not -- I'm not using  
20 that. I'm not --

21 Q. Okay. You're only familiar with that because  
22 it was given to you by the lawyers in this case; right?

23 A. Yes. Or others that -- that I -- I make.

24 Q. Prior to receiving a portion of "Determining  
25 Economic Damages" from the lawyers in this case within

1 the Jerusalem chapter?

2 A. The president of the Jerusalem chapter of  
3 the organization. And we had organization all over  
4 the world.

5 Q. Is that mentioned on your CV?

6 A. I think that, yes, in the past, in the last --  
7 not -- not that I was the -- the head of the -- STEP  
8 appear in the second -- in the -- in the last page,  
9 the second line --

10 Q. I see.

11 A. -- or the third line.

12 Q. Okay. On the third page of your CV, you  
13 indicate some publications, on page 3.

14 Do any of those Hebrew publications have  
15 to do with calculating economic damages for people  
16 who have been injured or killed?

17 A. No. No. I'm sorry if you don't -- if you  
18 don't hear me.

19 Q. Your CV indicates that you are the director  
20 of the office for Weinstein & Company.

21 Are you the "Weinstein" in Weinstein &  
22 Company?

23 A. I am the "Weinstein" and my son also --

24 Q. Okay.

25 A. -- the older one is -- is CPA and manage

1 Q. His first name is Daniel?

2 A. Daniel. Yes. I forgot it in the beginning.

3 I told you that I have a problem with names.

4 Q. That's quite all right.

5 So Daniel Ben Oliel is a lawyer in Tel Aviv?

6 A. He's a lawyer that work in my office in that  
7 time.

8 Q. Okay. At the time you were working on the  
9 cases in Washington, Daniel Ben Oliel was working for  
10 you?

11 A. Yes.

12 Q. Okay. He no longer works for you?

13 A. No. He's -- he's teaching in Haifa  
14 University.

15 Q. Okay. Had Daniel Ben Oliel ever done any  
16 work on calculating economic loss for people injured  
17 or killed prior to the work --

18 A. Before --

19 Q. -- on the case in Washington?

20 A. Before that, I think not.

21 Q. You think not?

22 A. Yes.

23 Q. Okay. So as far as you know, the first time  
24 you, Mr. Ben Oliel, or Ms. Segal ever tried to calculate  
25 loss for someone injured or killed, it was for those

1 cases in Washington?

2 A. And Professor Ovadia Manzur.

3 Q. Okay.

4 A. Yes, it's the first one. Yes.

5 Q. Okay. So Professor Manzur, had he had any  
6 prior experience in calculating economic loss for people  
7 that had been injured or killed prior to the cases in  
8 Washington?

9 A. I think that he's also not. I think -- I'm  
10 not sure. But I think that not.

11 Q. As far as you know, Professor Manzur also  
12 had never done this sort of work prior to those cases  
13 in Washington; right?

14 A. Yes.

15 (Defendants' Exhibit 320 marked.)

16 Q. BY MR. HILL: Mr. Weinstein, I'm handing  
17 you what we've marked as Exhibit No. 320.

18 Have you ever seen this document before?

19 A. (Examining.) No.

20 Q. Okay. At the beginning, it says:

21 "I, the undersigned, CPA Dov Weinstein."

22 That's you; right?

23 A. Yes.

24 Q. Okay. Take a moment and read it and tell

25 me --

1 Someone paid because I didn't care about -- I didn't  
2 take care about it. And it's not a lot.

3 Q. And so -- just so the record is clear, I  
4 understand you don't have a contingency interest in  
5 the case. But your testimony is that, in your view,  
6 you have no conflict of interest in --

7 A. No, I don't.

8 MR. HORTON: You got to let him finish his  
9 question.

10 Q. BY MR. HILL: You have no conflict of  
11 interest in the case, even though the lawyers that  
12 have asked you to provide this work are clients of  
13 your firm?

14 A. Yes.

15 MR. HILL: Why don't we take a short break?

16 MR. HORTON: Sure.

17 (Recess from 10:21 a.m. to 10:33 a.m., after  
18 which Mr. Wise was not present in the proceedings.)

19 Q. BY MR. HILL: Mr. Weinstein, as you  
20 mentioned before we broke, two of the reports you  
21 did involve people who were killed; correct?

22 A. One of them -- correct. One of them is  
23 Waxman. The name is Waxman.

24 Q. The case that you worked on in Washington,  
25 one of them is called Waxman?

1           A.     Waxman, yes. It's someone that killed in  
2     a terror attack in Bir Nabala here when Yitzhak Rabin --  
3     when it was -- the Prime Minister was in -- and the  
4     other case was in Argentina. And I asked them to send  
5     me the name because I forgot it. It's Benkin or Belkin.  
6     Let me be sure. It's Lawrence Belkin. And the first  
7     one was Nachshon Waxman.

8           Q.     Could you spell that for me?

9           A.     N-a-c-h-o-n [sic]. And the family one,  
10    Waxman, it's "V" or "W" -- I don't -- I think "V,"  
11    it sounds like more. Vaksman, V-a-k-s-m-a-n [sic].

12          Q.     Okay.

13          A.     And the other one was Belkin. This case was  
14    in Argentina. Belkin is B-e-l-k-i-n. And the lawyer  
15    that represent them, his name Roland Roth, the one that  
16    here in Israel was the -- the -- the man that make the  
17    connection with me. And he's not my client.

18          Q.     Okay. So the name of the lawyer, could you  
19    spell that for me?

20          A.     Roland, R-a-o-l -- Roland, R-o-l -- sorry --  
21    a-n-d. And Roland Roth. The family name, I forgot.  
22    Just a moment. Rot, R-o-t [sic].

23          Q.     Okay.

24          A.     He's a French and Israeli lawyer.

25          Q.     So Mr. Roth was the lawyer in both the Waxman

1 case and the Belkin case?

2 A. Yes. That -- that located in Israel. And he  
3 asked me to -- to make this.

4 Q. Okay. Do you know the name -- and the Waxman  
5 case is the one that's in Washington, DC?

6 A. In both of them, Belkin and Waxman.

7 Q. They were both --

8 A. Waxman was very -- sorry.

9 Q. That's okay.

10 So just -- so the -- the Waxman case and the  
11 Belkin case were both brought in the United States in  
12 Washington --

13 A. Yeah.

14 Q. -- right?

15 And the Waxman incident was in Israel?

16 A. Yes.

17 Q. And the Belkin incident was in Argentina?

18 A. Yes. Correct.

19 Q. All right. Do you know the name of any of  
20 the American lawyers involved in those cases?

21 A. No.

22 Q. Do you know if Shurat HaDin was involved  
23 in either --

24 A. No.

25 Q. -- of those cases?

1     taxation -- income taxation in the United States?

2             A.     It's 30 -- or no. No, not about personal.

3     I know about companies.

4             Q.     You -- you don't know what the individual tax  
5     rates are for income tax in the United States at the --

6             A.     No.

7             Q.     -- Federal level?

8             A.     I'm not a specialist in the tax --

9             Q.     Do you know --

10            A.     -- in the U.S.A.

11            Q.     -- in what state Mr. Gritz would have worked  
12     in the United States?

13            A.     I knew. I forgot. I will tell you that  
14     later. I just forgot.

15            Q.     Okay. I take it that --

16            A.     Because I know the difference between the  
17     Federal and the -- the -- the location. And I know  
18     the different rate between them or part of them.

19            Q.     You understand that, in America, people are  
20     taxed on their income not only at the Federal level,  
21     but --

22            A.     Yes. And -- and the country level.

23                    MR. HORTON: No, let him finish his question.

24                    THE WITNESS: Oh, sorry.

25            Q.     BY MR. HILL: You understand that they're



1 occasionally taxed at the state level; right?

2 A. Yes. Right.

3 Q. Do you also understand that sometimes people  
4 are taxed on their income at the city level?

5 A. Yes.

6 Q. Okay. And it's fair to say that your analysis  
7 does not include any deduction for Mr. Gritz's income  
8 taxes during the period of time when you assumed he  
9 would work in the United States?

10 A. Correct.

11 Q. It's also fair to say that you cannot today  
12 tell me how the level of taxation that his mother might  
13 have to pay on a judgment in this case compares to what  
14 taxes he would have paid had he worked in the United  
15 States?

16 A. Correct.

17 Q. Okay. You would agree with me that, one way  
18 or the other, Mr. Gritz's income has to be taxed; right?

19 A. I agree.

20 Q. Would you agree with me that your report does  
21 not contain any deduction for taxes for Mr. Gritz?

22 A. I agree.

23 Q. Okay. Now, you said that -- let's talk about  
24 Mr. Goldberg.

25 You're -- you assume Mr. Goldberg would work

1 Q. Well, let's talk about the American side of  
2 Mr. Gritz's income, then.

3 You would agree with me that, if Mr. Gritz  
4 paid more than 38 and a half percent of his income in  
5 taxes in the United States and he consumed 61 and a half  
6 percent of his income from living expenses, there would  
7 be nothing left; right?

8 A. There would be nothing left in that issue.  
9 Yes.

10 Q. Okay. And sitting here today, you don't know,  
11 if Mr. Gritz had got a job in the United States, whether  
12 his combined rate of taxation from Federal tax, State  
13 tax, and possibly city tax would have exceeded 38 and  
14 a half percent; correct?

15 A. Yes, I don't know if it's not included in  
16 the -- in the rate of the living.

17 Q. Okay. Do you need a break, or are you okay  
18 to continue?

19 A. No. I'm quite fine.

20 (Defendants' Exhibit 321 marked.)

21 Q. BY MR. HILL: Mr. Weinstein, I'm handing  
22 you what we've marked as Defendants' Exhibit  
23 No. 321.

24 Is this the report you tendered in this case  
25 pertaining to Mr. Gritz?

1 A. (Examining.) Yes. Yes.

2 Q. And is that your signature on page 9?

3 A. Yes.

4 Q. Did you sign this on or about March 25th of  
5 this year?

6 A. Again? Sorry.

7 Q. Did you sign this on or about March 25th of  
8 this year?

9 A. I think it's supposed to be.

10 Q. Okay. Look, if you will, on Schedule 2, which  
11 is maybe about halfway through the document.

12 A. Yes, I'm there.

13 Q. And on Schedule 2, for the year 2003, when  
14 Mr. Gritz would have been 25 years old, you estimate  
15 that his income in U.S. dollars would have been \$47,901;  
16 right?

17 A. Yes. Correct.

18 Q. And sitting here today, you do not know what  
19 percentage of American income tax he would pay on that  
20 amount of money; right?

21 A. Right.

22 Q. You also don't know what percentage of taxes  
23 he would be required to pay for Social Security in the  
24 United States; correct?

25 A. I think that we take care about the -- the

1 he wants to refer back to them.

2 Q. BY MR. HILL: Let me hand you what we've  
3 marked as Defendants' Exhibit No. 325.

4 Do you recognize this as the report you  
5 tendered in this case relating to Mr. Goldberg?

6 A. (Examining.) Yes.

7 Q. All right. And was the manner in which  
8 this report was prepared similar to the one you've  
9 previously testified about?

10 A. Somehow.

11 Q. It was prepared by your staff --

12 A. Aah, by -- yes. Yes.

13 Q. -- and reviewed by you and then signed --

14 A. Yes.

15 Q. -- by you?

16 A. Of course. Yes.

17 Q. Look, if you will, at page No. 3. In the  
18 first paragraph, it indicates that you've:

19 "Been requested by Mrs. Karen Goldberg,  
20 the representative of the estate of Mr. Stuart Scott  
21 Goldberg, to estimate the economic loss caused to her  
22 as a result of the murder of her husband in a terrorist  
23 attack."

24 Do you see that, sir?

25 A. Yes.

1 Q. BY MR. HILL: Sir, we're handing you what  
2 we've marked as Defendants' Exhibit No. 328.

3 Is this your initial report regarding  
4 Mr. Mandelkorn?

5 A. (Examining.) Yes. The answer is "yes."  
6 (Defendants' Exhibit 329 marked.)

7 Q. BY MR. HILL: Let me hand you what we've  
8 marked as Defendants' Exhibit No. 329.

9 Is this your amended report regarding  
10 Mr. Mandelkorn?

11 A. (Examining.) Yes.

12 Q. Okay. Why did you amend your report for  
13 Mr. Mandelkorn?

14 A. We made a mistake in the -- the -- the  
15 main issue, we made a mistake with the severance pay  
16 current price. It was the -- the severance pay -- it  
17 was based on the same rules that we talked about before,  
18 one salary amount per year. But we make a mistake, and  
19 we make it twice time. Like we take a yearly salary  
20 instead of monthly salary.

21 Q. Okay. Turn, if you will, to Schedule 1 of  
22 the reports and lay them side by side.

23 A. The new or the other one?

24 MR. HORTON: Both.

25 Q. BY MR. HILL: Both, please.

1           A.     Except other -- other than -- not the earning  
2     one.

3           Q.     Right.

4                     (Court reporter clarification.)

5           THE WITNESS:   Not the -- not the salary.

6           MR. HILL:    "Not the earning one" is what  
7     he said.

8           THE WITNESS:   Not the earning one.

9           Q.     BY MR. HILL:   Okay.   And you're not opining  
10    about damages Mr. Mandelkorn may have suffered other  
11    than economic damages; right?

12          A.     No.

13          Q.     You're agreeing with me; right?

14          A.     I agree with you.

15          Q.     Okay.   So if and when Mr. Mandelkorn goes  
16    back to work, his damages will end; right?

17          A.     Correct.

18                     (Recess from 5:03 p.m. to 5:11 p.m.)

19                     (Defendants' Exhibit 330 marked.)

20          Q.     BY MR. HILL:   Okay.   Mr. Weinstein, while  
21    we were on the break, did you learn anything about  
22    your testimony?

23          A.     No, I did not.

24          Q.     Okay.   Let me hand you what we've marked  
25    as Exhibit No. 330.

1           Is this your original March report about  
2   Varda Guetta?

3           A.    (Examining.)  Yes.

4           Q.    Okay.

5                   (Defendants' Exhibit 331 marked.)

6           Q.    BY MR. HILL:  Let me hand you what we've  
7   marked as 331.

8           Is this your amended September report about  
9   Varda Guetta?

10          A.    (Examining.)  Yes.

11          Q.    Turn, if you will, to Schedule 1 of both  
12   reports.  It should be about three pages from the back.

13               MR. HORTON:  There you go.

14               THE WITNESS:  This one?  (Indicating.)

15          Q.    BY MR. HILL:  Yes.

16          A.    It's two pages.  Okay.

17          Q.    All right.  You would agree with me that, on  
18   both of the Schedule 1s, the "Total Salary Loss Current  
19   Prices" is the same; correct?

20          A.    The "Severance Pay" is a mistake.

21          Q.    I'll get there in a second.

22               But for the record, the first line is the  
23   same on both; right?

24          A.    Yes.

25          Q.    Okay.  And then second line, "Total Severance

1           Q.    Okay.  You would also agree with me, sir,  
2   that on Schedule 2 of your reports about Mrs. Guetta,  
3   you do not deduct for any future wages she may be able  
4   to earn?

5           A.    I agree with you, except what -- something  
6   that I think that she tell us or we get it from her.

7           Q.    But just for the record, on Schedule 2, for  
8   the years 2013 and following, there are no deductions  
9   for future wages that Mrs. Guetta may earn; correct?

10          A.    Yes, when she is not working at what we  
11   understand.

12          Q.    Okay.  So your report, essentially, assumes  
13   that Mrs. Guetta will not work in the future; correct?

14          A.    Correct.

15                MR. HILL:  Let's go off the record for a  
16   second.

17                (Recess from 5:46 p.m. to 5:47 p.m.)

18                (Defendants' Exhibit 335 marked.)

19          Q.    BY MR. HILL:  Mr. Weinstein, let me hand  
20   you what we've marked as Exhibit 335.

21                Do you recognize that as your report regarding  
22   Karen Goldberg in this matter?

23          A.    (Examining.)  Yes.  This is my signature.

24          Q.    Turn, if you would, to Schedule 1.

25                This indicates that you're projecting a